

City Council Special and Regular Meetings, September 25, 2001

Twin Pines Senior and Community Center, 1223 Ralston Avenue

## **SPECIAL MEETING**

### **STUDY SESSION 6:45 P.M.**

#### **Joint Meeting of the City Council and Planning Commission to discuss the Housing Element.**

COUNCILMEMBERS PRESENT: Cook, Warden, Wright, Rianda, Hahn

COUNCILMEMBERS ABSENT: None

PLANNING COMMISSIONERS PRESENT: Mathewson, Gibson and Petersen

PLANNING COMMISSIONERS ABSENT: Parsons, Torre, Wiecha

Community Development Director Ewing stated the main purpose of this meeting was to determine how Belmont would provide for the anticipated housing growth for the next five years.

Presentation made by Mark Hoffman of Cotton Bridges & Associates. Mr. Hoffman stated the Housing Element was a mandated chapter of the General Plan, which sets forth a five-year strategy for addressing housing needs. The Regional Housing Needs Determination (RHND) began the process at the State government level. They project the future housing needs for the entire state and allocate a portion of the need to each individual government region. Mr. Hoffman stated that ABAG was responsible for allocating a portion of the housing need to Belmont.

Mr. Hoffman stated the Housing Element would be submitted to the Department of Housing and Community Development (HCD). HCD would issue comments which Belmont would address and then resubmit the Housing Element to HCD.

If Belmont chose not to comply with HCD requirements, the City could adopt findings to self certify the element. The consequences of not being certified by the state include possible court action and, loss of state housing funds.

Mr. Hoffman stated that Senate Bill 910 could assign monetary penalties for noncompliance. This Bill has passed the Assembly, but not the Senate yet. If adopted, the burden of proof would be on the City to prove the Housing Element was in compliance.

Mr. Hoffman stated Belmont has remained essentially the same over the last 10 years, there were modest changes in population and households compared to other cities.

Mr. Hoffman reported that 13 % of the homeowners and 34% of renters for a family of four earn less than \$63,000 per year. Overcrowding, was a modest issue in Belmont. The key issue for Belmont was housing overpayment. Overpayment was defined as paying more than 30% of household income for housing costs. Three out of 10 homeowners are paying more than a third of their income. Four out of 10 renters are paying more than a third of their income. Seven out of 10 lower income households are paying too much for their housing.

Future Housing Needs: ABAG assigned Belmont the need for 317 new units. The City is required to show that they are encouraging production of housing. The 317 new units have to be broken down to different affordability levels: 150 units need to be affordable to above moderate (upper income), 80 affordable to moderate, 30 affordable to low income, 57 affordable to very low income.

Mr. Hoffman stated that all jurisdictions were required to include in their Zoning Code a particular zone where a homeless shelter or a transitional home could be sited. Belmont did not have to build one, but it could not be a prohibited use. Three districts have been identified where a shelter or home could be permitted. Mr. Hoffman noted that Belmont could set reasonable conditions to insure the facility was compatible with the surrounding environment.

Mr. Hoffman stated there was an issue on how the City could facilitate housing affordable in the low and very low-income range. Ideas were brainstormed at community workshops. The options that were immediately discarded were using open space, or an aggressive approach to second units.

Belmont cannot claim credit for the production of group housing such as assisted living facilities or college dormitories. Independent units were required in these facilities to gain credit for the state mandated production goals.

Mr. Hoffman proposed requiring institutions to set aside 10% of units as independent units in return for modified development standards for fees.

In response to Planning Commissioner Mathewson, Mr. Hoffman stated it was unlikely that ABAG would reduce Belmont's housing need if the population did not increase at the rate that was expected. There may be changes after 2006, but he did not anticipate any in the current cycle. Mr. Hoffman further stated that built out, affluent communities are meeting their housing need goals by instituting aggressive second unit programs, zoning select sites for higher density, offering heavy subsidies, and some use Redevelopment Agency sites to help facilitate affordable housing.

C. Rianda noted that there were very few community members at the workshops held, and the majority of the attendees were housing advocates.

In response to C. Rianda, Community Development Director Ewing stated the main concern was the Redevelopment Agency funding. Cities with RDA funds were more prone to be litigated against, than cities without Redevelopment Agencies, because there was money for housing advocates to go after in court if the Housing Element was not certified. Community Development Director Ewing stated that any state funds that we might apply for would require a certified housing element. He was not sure if Belmont applied for any State funding in the last ten years.

Community Development Director Ewing stated the League of California Cities was actively working against the passage of SB910.

Adjournment at this time, being 7:25 P.M. this Study Session was adjourned.

Sheila Harrington

Deputy City Clerk

Meeting tape recorded and televised.

**REGULAR MEETING 7:33 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Cook, Warden, Wright, Rianda, Hahn

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Assistant City Engineer Jones, Finance Director Fil, Police Chief Janke, Human Resources Director Dolan, Principal Planner de Melo, IT Manager Harnish, Building Official Cyr, Deputy City Clerk Harrington

Mayor Hahn read a letter from Belmont's Sister City in Namur, Belgium, regarding the tragic events on September 11, 2001.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Council.

**SPECIAL ORDERS OF THE DAY/PRESENTATIONS**

**Presentation of a Resolution to the 75<sup>th</sup> Anniversary Committee declaring October 2001, 75th Anniversary Month in the City of Belmont.**

Margo Cheechov and Judy King accepted the Resolution and invited the public to attend the many activities planned for October.

**PUBLIC/COUNCIL COMMENTS**

**Mr. Bauer**, 1027 Tahoe Drive, thanked the Public Works Director and wished him well.

**Mr. Vanderslice**, 904 Hiller Street read a poem he composed. (On file in the City Clerk's office)

**AGENDA AMENDMENTS**

Mayor Hahn announced that 5-A(North Road), would be continued to the next City Council meeting.

**CONSENT CALENDAR**

Approval of meeting minutes: Special and Regular Meeting of August 28, 2001.

Approval of Warrant List Dated: September 7, 2001 in total amount of \$522,461.97 and dated September 14, 2001 in total amount of \$354,603.09

**Written Communication:** 1). Rec. 9/14 from PG&E Req. for extension of time to file the Nuclear Decommissioning Cost Triennial Proceeding, A.97-12-020, I.97-11-026, A.94-12-005, I.95-02-015; 2). Rec. 9/17 Notice of applic. for an electric rate increase: Applic. to change distribution level standby rates as required by CPUC D.01-07-027.

**Motion** to approve Claims Management Report.

**Motion** to waive reading of Ordinances.

**Resolution No. 9083** congratulating the City of Belmont on its 75<sup>th</sup> Anniversary and declaring October 75<sup>th</sup> Anniversary Month 1926 -2001.

**Ordinance No. 972** of the City Council of the City of Belmont authorizing an amendment to the contract between the City Council of the City of Belmont and the Board of Administration of the California Public Employees' Retirement System. (2<sup>nd</sup> reading and adoption).

**Resolution No. 9084** approving a Purchase Order for Printing of City Community Calendar with Hatcher Press (\$16,790).

**Resolution No. 9085** authorizing a Professional Services Agreement with Mid-Peninsula Access Corporation for the Technical Services for Cablecast of City Council Meetings, every second and fourth Tuesday of each month. \$23,300.

**Approval** of Update on the Service Delivery Initiative.

**Resolution No. 9086** approving the purchase of one Dump Truck for the Public Works Department from Bayshore International Trucks for an amount not to exceed \$61,443.17.

**Resolution No. 9087** approving retention of Community Group Funds by the San Juan Canyon Preservation Trust.

**Resolution No. 9088** supporting the development and adoption of the Bay Area Alliance Draft "Compact" for a Sustainable Bay Area (E-Vision).

**Resolution No. 9089** authorizing the First Amendment to the CRW Associates for Professional Services.

**Action:** on motion by C. Cook, seconded by C. Rianda and approved unanimously, by show of hands to adopt the Consent Calendar.

## **PUBLIC/HEARINGS**

**CONTINUED Public Hearing to consider a Mitigated Negative Declaration of Environmental Significance, Zone Change, Conceptual Development Plan, and Tentative Parcel Map to subdivide a 29,922 square foot parcel (.686 acres) into three lots and construct three single family dwellings at 1112 North Road. Two 3,764 square foot dwellings, and one 2,574 square foot dwelling are proposed. All homes include five bedrooms and three bathrooms, and two car side by side garages. Maximum height of the dwellings is 28 feet. (Application No. 00-1031); APN: 044-101-120; Zoned: R-1B (Single Family**

**Residential); General Plan Designation: (R1) Low Density Residential; CEQA Status: Mitigated Negative Declaration; Wayne Batavia (Applicant/Owner).**

This item was continued to the next meeting without any discussion.

## **OLD BUSINESS**

### **Consideration of Resolution approving a Permanent Encroachment Agreement for construction of a Timber Plank Retaining Wall within the Public Right-of-Way at 3229 Upper Lock Avenue (APN: 043-122-100, Mr. Aubain;.cont'd from 9/11)**

Assistant City Engineer Jones stated four problems occurred during construction. The retaining wall for the driveway of the neighbor at 3233 San Juan, was not adequately tied into 3229 Upper Lock's retaining wall. An additional tapered retaining wall to extend the neighbor's retaining wall down to grade was necessary. PG&E required the electric and gas meters to be moved to the front of the retaining wall and construct a 4x4 pad at that location. In order to fit the pad, a wing wall needed to be constructed to intercept the slope. The fire hydrant by the driveway needed a retaining wall behind it to keep the slope back and allow access for the Fire Department. In the process of the construction of the large wall, foundation problems required a slope that was supposed to be left natural, to be disturbed. The project applicant was trying to restabilize the slope.

Assistant City Engineer Jones stated he was very concerned about the stability of that slope and thought that an additional retaining wall was desirable.

Assistant City Engineer Jones stated the applicant has submitted plans that address these concerns and recommended approval of the project.

C. Cook noted that these were substantial issues, and wondered why they were not addressed at the design stage.

Assistant City Engineer Jones stated the neighbor's retaining wall was an oversight, and that the other issues came up during the construction process.

**Michael McClelland**, 3242 Upper Lock Avenue, presented pictures of the construction site. He noted that three different materials were used on the wall facing the street. The side stairwell had two to three types of wood. The driveway was at a 26% grade, the maximum allowed is 18%. Mr. McClelland stated there was poor workmanship on the project and he worried that rain would take down the wall.

**Georg Bukowski** 3233 Upper Lock Avenue, stated he had endured 14 months of dust, dirt, and noise. Mr. Bukowski was totally against new retaining walls and urged the City Council to visit the job site before making a decision.

**Jeff Marshall**, 3250 Upper Lock Avenue, submitted a letter to the City Council. He stated he lived within 300 feet of the project and was not notified. Mr. Marshall would like a sidewalk built at this project to enhance the safety of the street. He stated the wall looked horrendous and noted the various materials and design methods used on the wall.

C. Rianda, stated she visited the site four times and agreed it was abominable.

In response to C. Rianda's question, Assistant City Engineer Jones stated the wing wall for the PG&E pad was already built. The lower wall was not built to the Planning Commission's conditions. The project applicant was working on a concrete block veneer to put on the wall.

C. Rianda stated she would like to continue this item, and have the Planning Commission sort out this project.

C. Warden agreed the project should go back to the Planning Commission. He could not make the finding of a public benefit.

C. Wright thought that by continuing the item, they could get a strong determination if they could fix what was before them, before approving something else.

C. Cook thought that the design approved by Planning Commission had been changed due to the factors outlined by Assistant City Engineer Jones. She thought the design issues needed to be addressed by Planning Commission.

City Attorney Savaree stated Council might want to consider directing staff to bring back a report. She stated there were many other issues in regard to whether or not they have built what is authorized and what kind of corrective action needs to be taken. With that information, it would be easier for Council to decide if there was a public benefit. She suggested continuing the matter and directing staff to bring back a report that outlined the project fully.

**Carlos Aubain**, 4229 Highview Drive, San Mateo, Owner of the property. Mr. Aubain stated that from the beginning there was opposition to the project. The project was an unfinished product. He has dealt with the City for two years, and they constantly changed the project. Mr. Aubain stated this project would bankrupt him.

C. Rianda asked if a Stop Work Order would be needed at this time.

City Attorney Savaree stated she would consult with Planning and Public Works, but if the only work they were doing right now was to bring the project into compliance, then a Stop Work Order would not be necessary.

**Mr. Aubain**, stated the design was approved by the City already and he was following those instructions. He noted that a meeting was held last week and an agreement reached but now the neighbors were saying the opposite of the agreement.

Mr. Aubain stated that if Council stopped his work, he would proceed according with the law against the City.

**Action:** on motion by C. Rianda, seconded by C. Warden, and approved unanimously, by show of hands, 5-0 to continue this item to the next City Council meeting.

Staff was directed to report back on what has been built and if it was authorized, what kind of corrective action needed to be taken, and address if there was a public benefit to these encroachments or not.

**At this time being 8:15 p.m.** Mayor Hahn called a recess.

**At this time being 8:20 p.m.** the meeting resumed.

**Second Report on the Police Facility/City Hall Retrofit Bid,, City Contract No. 415, and consideration of adoption of Resolution rejecting bids or awarding bids. (Cont'd from, 9/11)**

City Manager Kersnar stated the deadline for the bids expired on October 6 and the City Council would need to take action before that date.

City Manager Kersnar reported that the official architect's estimate for this project was \$5.18 million, the low bid came in at \$7.85 million. Current funding was not identified to cover the difference.

City Manager Kersnar outlined the various options for Council to consider:

**Option A** was to accept the bid if Council could make the additional money available and if Council was convinced that there were no other options. \$2.6 million could be made available from the Redevelopment Agency for the Police Facility, \$200,000 could come from the General Fund. There was currently \$7.6 million in the Redevelopment Agency Fund. Staff did not recommend this option.

**Option B** reject the bid and then rebid if the construction market changes. Staff could change some of the elements of the plan to save money. Staff did not recommend this option.

City Manager Kersnar pointed out that the Building Codes for essential services require that buildings be "hardened" so they could take a substantial seismic hit and still be standing. City Hall would have to be remodeled to that standard if the police facility was included.

**Option C** would reject the bid and refocus the project. Separate only essential services from City Hall (dispatch, associated equipment, emergency operations center and a holding cell) The remainder of police operations (squad rooms, administration, records, etc) need not be covered by a hardened building. Construction costs was approximately \$6 million including room for a Council Chamber. The Council Chamber could also serve as an emergency operations center.

**Option D** reject the bid and build a stand alone police facility. The police building would have to be hardened, but the remaining city facility would not. Construction costs approximately \$8.33, that includes a Council Chamber, improvements to the existing City Hall building, and the addition of a one stop counter.

City Manager Kersnar noted that Options C and D have a higher cost then the current bid, however, because these options result in moving people out of City Hall, it would create office space. Option C & D would generate rental revenue which would offset the additional cost. The City Analysis concluded that no additional new City or Redevelopment Agency money would be needed.

City Manager Kersnar stated that both Options C and D would need temporary police facilities, since the existing building would be demolished.

City Manager Kersnar recommended that Council reject the bids, direct staff to develop a concept facility plan and to further investigate Options C and D.

In response to C. Warden's question, City Manager Kersnar confirmed that the One Stop Counter at City Hall would be on the first floor.

C. Rianda stated there was \$1.6 million in reserve on the Redevelopment Agency prioritization list. She thought that money could be applied without removing any items from the list.

In response to C. Rianda, City Manager Kersnar stated over \$600,000 had been spent on Ekona for planning and construction contract. Including the other consultants, the expenditures to date was approximately \$700,000.

C. Rianda stated she would like a report from the City Attorney regarding the original proposal from the administrative staff, at the time, who recommended the plan to move the police to the 1070 Sixth Avenue building and to leave one floor open to generate revenue. C. Rianda was concerned that previous City Managers had gone on the record stating that even though the building was built to code at the time, it was an unsafe building and was not up to code now. She stated that was the basis for the recommendation to do the last change. C. Rianda would like to know what Belmont's exposure was if the building did not get hardened.

City Manager Kersnar stated he reviewed a report from the structural engineer . In option C and D no modifications need to be made to 1070 Sixth Avenue, if it was used as an office building. He continued that the misconception was that 1070 Sixth Avenue was vulnerable in the case of an earthquake. The Essential Services Building Code was designed to ensure that a building is not only still standing, but is undamaged and is still useable after a significant seismic event. The analysis that City Manager Kersnar reviewed suggested that there might be damage to 1070 Sixth Avenue, even to the point where it was unusable for an amount of time. That renders it unusable for an essential services building, but it does not create jeopardy for the residents of the building. What the code says is that the building is not going to collapse, but it is going to be damaged in all likelihood in the event of a major seismic event. People will be able to walk out of the building.

In response to C. Rianda's question, City Manager Kersnar stated that he did not anticipate much of a cost difference if they were to rebid the project.

City Manager Kersnar estimated it would take another two years to start construction if Council chose option C or D.

C. Cook stated her concern about how the design would be different with Option C or D, considering it was in the park.

In response to C. Hahn, City Manager Kersnar stated that the people who developed the cost estimates for Option C or D are not the same people that developed the cost estimates for the City Hall Project that went out to bid recently.

**George Kranen**, 1902 Notre Dame Avenue, Park and Recreation Commissioner, stated he was concerned about the ambience of Twin Pines Park. He did not want to diminish the entry with a large building, that would be out of character with the other buildings in the park. Mr. Kranen was concerned that by renting out parts of City Hall it would look like a strip mall.

**Michael Speak**, President. Belmont Police Officers Association, stated that he was told in 1983 that a new police department would be built within two years. Mr. Speak outlined the various problems the current facility has. He urged Council to reject options A and B and to implement options C or D. He felt that with proper planning, they could have a facility that met the needs of the community and maintained the park surrounding.

**Judy King**, 1460 Fifth Avenue, agreed with both of the speakers. She was on the committee in 1982 that planned for the new police facility, and did not want to encroach too much on the park

In response to C. Warden, City Manager Kersnar stated that he needed to work further with the construction estimators and review the site planning issues before recommending whether Option C or D was better. City Manager Kersnar anticipated returning to Council at the second meeting in October.



**Action:** on Motion by C. Cook, seconded by C. Rianda, and approved unanimously by a show of hands, to adopt:

**Resolution No. 9090** rejecting all bids for the City Hall/Police Facility Retrofit, City Contract No. 415 and directing staff to explore Options C & D.

**Consideration of Recommendations from the Ralston Avenue Origin and Destination Study.**

Assistant City Engineer Jones stated consultants were needed to conduct additional complex traffic analysis studies, because the Public Works staff was not qualified to do them. Assistant City Engineer Jones pointed out that the Public Works budget may not cover the expense of consultants at this time, but it could be budgeted for the next fiscal year.

C. Warden would like to see specifics on metering, what the possibilities were for signal timing, what they would cost, what positive and negative impact it would have on the residents and commuters through the city.

C. Cook would like clarification on the numbers developed in the study and how they compare with other communities.

C. Wright thought the DMV counts would be the most valuable part of the study. He thought some of the issues were within Belmont, due to cars taking kids to school. C. Wright stated that he did not want the solution to end up hurting the residents. He was convinced that a significant portion of the cars originated from within the community.

C. Rianda stated Council needed to decide what they want to achieve on Ralston Avenue. She asked if they wanted to facilitate through traffic as quickly as possible, or do they want to create a traffic plan that allowed the neighborhoods to access Ralston Avenue. C. Rianda noted that if they made Ralston unpleasant for the commuters, then it would be unpleasant for the residents too. She thought the commuters could find another way to go, eventually.

City Manager Kersnar recommended having staff return with options and outcomes of those possible options.

**Action:** Council directed Staff to bring back a policy report on the options.

**Consideration of Resolution stating its intention to issue Sewer Revenue Bonds and appointing a Financial Advisor and Bond Counsel in connection with the issuance of such Bonds.**

Finance Director Fil stated the Capital Improvement Program over the next 5 years anticipates approximately \$10 million in expenditures in the Enterprise activities. The construction activity for the next 3 years was expected to be in excess of \$6.5 million.

Finance Director Fil stated he would go to the market in the Fall and issue approximately \$7.5 million in bonds which would net in proceeds approximately \$6.5 million to finance the construction program.

**Linden Hsu**, 921 Hill St, #2, asked if the Capital Improvements could be paid for out of the annual budget rather than debt financing. He further asked if the City was planning to upgrade or build new facilities for growth.

Finance Director Fil stated they could not pay for the capital improvements out of the existing budget. He stated Belmont must use long term financing in order to pay for the capital program, which was roughly \$15 million in expenditures. The annual fee base was roughly \$3.75 million, there would not be enough to pay for the treatment of wastewater, the maintenance and operation.

Assistant City Engineer Jones stated it was a 75 year old sewer system and necessary repairs and upgrades were required to keep it operating. He further stated that a capacity study of the sewer system would be conducted to look at what the allowed density of the current homes sites was and what could be expected. Additional reserve capacity could be built into the system, that would allow the system to last longer.

**Action:** on motion by C. Wright, seconded by C. Cook and approved unanimously, by a show of hands to adopt:

**Resolution No. 9091** stating its intention to issue Sewer Revenue Bonds and appointing a Financial Advisor and a Bond Counsel in connection with the issuance of such bonds.

### **NEW BUSINESS**

#### **Consideration of Resolution of Transmittal of the Draft Housing Element to the California Housing and Community Development Department.**

C. Warden suggested having a letter sent, signed by the Mayor, to lobby our elected officials to attach a rider to SB 910 asking the California Housing and Community Development Department to count Assisted Living Facilities.

Community Development Director Ewing stated he would explore the options and return to Council with a specific recommendation.

**Action:** on Motion by C. Cook, seconded by C. Rianda and approved unanimously by a show of hands. to adopt:

**Resolution No. 9092** transmitting the Draft 2000-2005 Housing Element to the California Housing and Community Development Department.

#### **Consideration of a Policy relating to the Pre-Qualification of Bidders on City Contracts. (Cont'd from 9/11)**

City Manager Kersnar stated that the District of the Associated General Contractors and the San Mateo County Building Trades Council agreed with the language and approach of this policy. City Manager Kersnar recommended that this Policy be codified with the Purchasing Ordinance when it was brought to Council in the next few months.

City Attorney Savaree stated pre-qualification had great value for cities on large or specialized projects. Pre-qualification would give Belmont a very good look at a contractor and it would assure a responsible bidder because Belmont would look at their financial qualifications and their requisite experience.

City Attorney Savaree did not think that pre-qualification added a lot of value to everyday projects. It did not substantially reduce the cost and it required additional staff hours.

**Bill Nack** of the San Mateo County Building Trades Council spoke in support of this policy. Mr. Nack thought this would save the City money.

In response to C. Cook's question, City Manager Kersnar stated that the policy delegates the decision on which projects will be pre-qualified to staff.

**Action:** On motion by C. Rianda, seconded by C. Cook and approved unanimously by a show of hands to adopt:

**Policy relating to the Pre-Qualification of Bidders on City Contracts and to direct staff to identify a pilot project to be carried out in Belmont.**

**Bill Nack** of the San Mateo County Building Trades Council stated that once a pilot project has been identified, the Building Trades Council would do everything to insure it was a success.

### **Report on the Athletic Field Master Plan.**

Park and Recreation Director Mittelstadt stated the plan was a blueprint for future improvements at seven athletic fields. Director Mittelstadt noted that the plan was currently unfunded. The Master Plan would return to the Park and Recreation Commission.

**Peter Callander**, Callander & Associates, stated they inventoried and analyzed all seven sites, four school sites, three city sites. They developed an improvement plan with input from sports organizations and school district staff. Cost estimates have been developed for those sites including current maintenance and anticipated future maintenance. Mr. Callander stated that improvement costs for each site had been identified and the overall program was estimated to cost \$4.2 million.

In response to C Cook's question, Mr. Callander stated that future school site development was taken into consideration for this report.

C. Wright, stated he served on the subcommittee and suggested a task force or committee to explore funding options.

C. Warden suggested renaming it a Park Master Plan to get broader support from the community.

In response to C. Rianda's comments, Park and Recreation Director Mittelstadt stated the Planned Park Fund would include State Grants, Park in Lieu Fees, Donations, and Art and Wine revenues. Park and Recreation Director Mittelstadt estimated the total this year would be \$1.2 million.

C. Rianda requested this item be added to the Project Status Report, with reasonable objectives and timeframes.

**Action:** on Motion by C. Wright seconded by C. Rianda and approved unanimously by show of hands to accept the Report.

## **BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS**

### **Report on Planning Commission Applications.**

The Council majority directed staff to set up interviews with the candidates.

## **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

**Discussion and possible action regarding the development of a residential shuttle program. (Rianda) (cont'd from 9/11)**

C. Rianda stated there was no bus service in the hills west of Alameda de las Pulgas. She stated that the C/CAG Congestion Management Report has a deficiency plan that makes each city responsible for providing a certain amount of rides within the city. C. Rianda noted that other cities that have started shuttle programs have been very successful (Foster City, San Mateo, Redwood City).

C. Rianda stated that SamTrans was interested in helping staff identify Belmont's needs and designing an on demand shuttle or taxi service. Belmont would be the pilot project for a hillside community.

**Meeting Extended:** at this time, being 10:30 P.M., the meeting was extended for 15 minutes.

City Manager Kersnar noted that if we did not address the deficiency plan from C/CAG, then Belmont was at risk of losing Gas Tax money.

C. Rianda estimated it would cost \$80,000 per year to run the program.

Council concurred to have staff work with SamTrans and to return with a report.

**Discussion regarding revisiting the View Protection Policy. (Hahn). (cont'd from 9/11)**

Mayor Hahn stated she had proposed a view ordinance approximately three years ago, but a policy was adopted instead. She noted that since then, other cities view ordinances have been tested in the Courts successfully. Mayor Hahn proposed revisiting the view ordinance.

C. Cook was concerned with putting the City in the middle of neighbor to neighbor issues. She suggested revisiting the policy before considering an ordinance.

City Attorney Savaree stated the concern three years ago was that it would be considered a taking of property, if it was ordered that someone trim their tree. The recent Court of Appeals decision states it is not a taking of property.

Council concurred to revisit the View Protection Policy.

**Discussion and direction regarding 'legislative process' and Council Agenda Item 9's. (Cook) (Cont'd from 9/11)**

C. Cook stated she was concerned about the Item 9 process. She thought Council was approving Item 9s without looking at the big picture.

City Manager Kersnar stated that Assistant City Manager Rich would present an update on the Project Status Report at the next City Council meeting.

C. Wright stated he shared C. Cook's concern and would like to see a balanced approach.

**Consideration to make a small donation to Red Cross and victims of disaster in New York City.  
(Warden)**

C. Warden stated that the public funds donated to the Red Cross would be a direct benefit to the City, since their services would be needed in a disaster. C. Warden encouraged other Cities to consider making a donation too.

City Attorney Savaree stated the determination for Council to make was whether there was a public benefit to this expenditure of tax payer dollars in this city. She stated C. Warden believed this nexus existed because in a disaster the Red Cross would provide services to Belmont.

**Action:** Council directed staff to put a Resolution on the next City Council Agenda approving a \$5,000 donation to be taken from the Council Contingency Fund.

**ADJOURNMENT at 10:50p.m.**

Sheila Harrington

Deputy City Clerk

Meeting tape recorded and televised

Tape No. 504

**SPECIAL MEETING 10:55 p.m.**

**CLOSED SESSION**

A. Conference with Legal Counsel, Anticipated Litigation, pursuant to Government Code Section 54956.9:

Two Cases

Attended by Councilmembers Warden, Cook, Wright, Rianda, Hahn, City Manager Kersnar, City Attorney Savaree, and Assistant City Manager Rich. Deputy City Clerk Harrington was excused from attending.

**Adjournment** at this time, being 11:30 p.m.

Sheila Harrington

Deputy City Clerk

Meeting not tape recorded.

